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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/724,026

11/26/2003

Andrew C. Seys

15730.2100

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11/08/2005

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EXAMINER

RAEVIS, ROBERT R

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,026

Applicant(s)

SEYS ET AL.

Examiner

Robert R. Raevis

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,10,28,30,32,13,14,17,19,21-25,27 is/are rejected.
- 7) ☒ Claim(s) 2,3,6,8,9,15,16,18,20,26,29 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6-1-04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pull type pump (of claim 15) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1,4,5,7,10,30,32,13,14,17,19,21,22,23,24,25,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoesser et al.

Stoesser et al teach (col. 6, lines 49-50) a method for testing a hand pump, including: providing a liquid source; actuating the pump; catching the material dispensed from the pump; and determining the "amount of effort" required for actuation. Measured results are recorded (TABLE 1), and expressed as at least either "moderate" or "easy".

Stoesser does not automate his method, arguable does not quantify.

As to claims 1,4,5,30,32,13,25,27, it would have been obvious to employ a sensor to measure force to allow for an objective measurement of "amount of effort" required to actuate the pump. In addition, it would have been obvious to carry out testing in an automated environment (i.e. depress trigger, record force) because it is known to provide an automatic means to replace a manual activity which accomplishes the same result. (See MPEP 2144.04) Repeated actuations of a spray type dispenser are desirable to assure that fluid in each reservoir has reached the pump.

As to claims 7,17,21, TABLE 1 suggests the amount of data over various tests, suggestive of storing/recording.

As to claims 10,24, it would have been obvious to initiate an alarm at the end of a test to tell an operator that the test is complete.

As to claim 13,14,17,19,23,25 when testing only for "amount of effort", it would be desirable to test in closed quarters necessarily include a region/closed-container for catching dispensed material, especially as some spray materials (e.g. TILEX) are noxious.

As to claim 22, repeated actuations of a spray type dispenser are desirable to assure that fluid in each reservoir has reached the pump, and not all dispensers have the same length of feed line from the source to the pump, suggestive of varying the number or pump actuations to prime the pump for a meaningful measurement.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stoesser et al as applied to claim 1 above, and further in view of Kamps.

Stoesser does not express how "Spray Area" is measured.

As to claim 28, it would have been obvious to employ Kamps pattern measurement device to measure area in Stoesser as Kamps device effectively will provide for a measure of area.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Both Farina et al '369 and Farina '054 teach testing a hand pump, but the provisional application (whose filing date is earlier than the instant application) does not suggest any one of the independent claims.

Farina et al '296 tests a "spray pump" in Figures 3a, 3b with a force sensor in an automated manner.

Matthews relates a monitor with wall mounted dispenser.

As to claim 11, note was made of "recirculating" in contrast with Stoesser.

As to claim 1, provisional application 60/462,861 does not suggest "repeatedly".

As to claims 13, 25, provisional application 60/462,861 does not suggest "repeatedly".

As to claim 11, provisional application 60/462,861 does not suggest "repetitively".

As to claims 1,13,25,11, Farina et al '296 do not suggest "repeatedly",
"repeatedly" or "repetitively".

Claims 2,3,6,9,8,29,31,15,16,18,20,26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2856

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raemis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 6:30am to 4pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Robert R. Raemis", with a horizontal line extending from the end of the signature.

RAEMIS